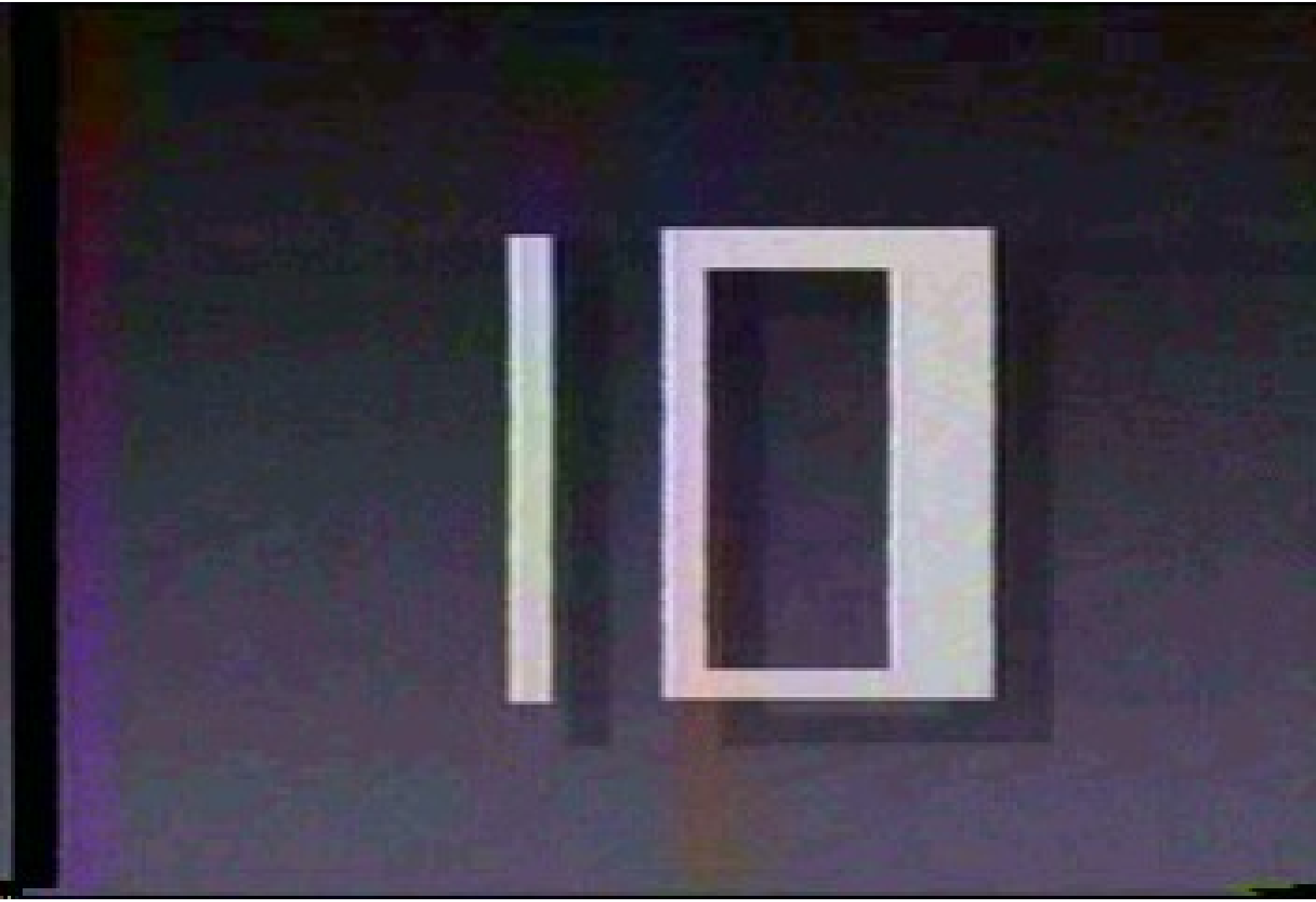
The IG Assistance Function

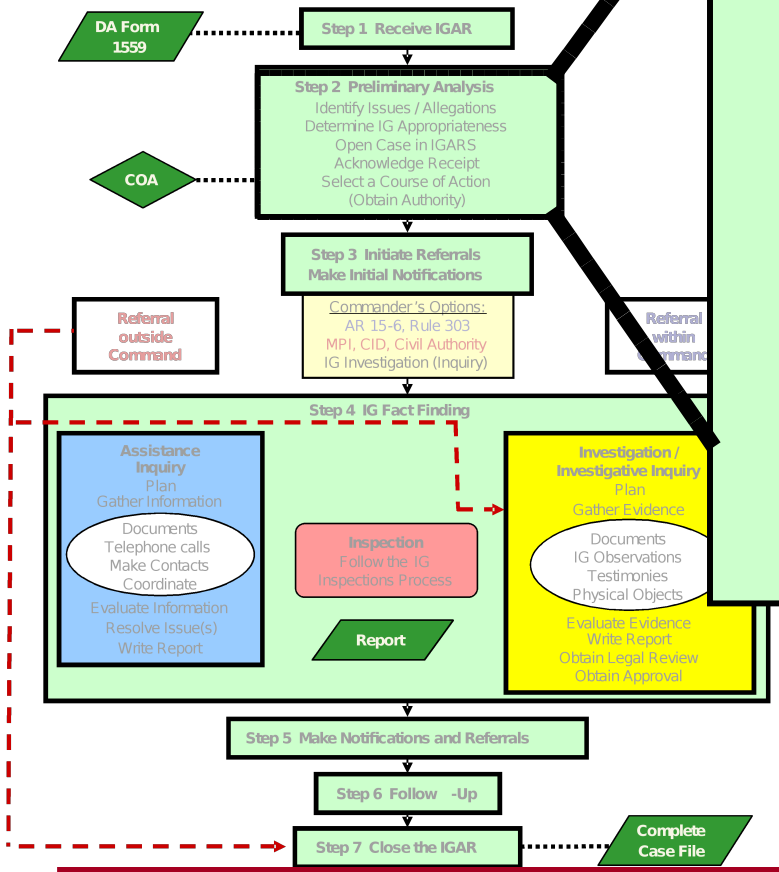
Special Cases & Considerations

AR 20-1, Chapters 4 and 7, plus A&I Guide, Chapters 3 through 9

Part II



Assistance Part 2



Step 2 Preliminary Analysis

Identify Issues / Allegations

Determine IG Appropriateness

Open Case in IGARS

Acknowledge Receipt

Select a Course of Action

(Obtain Authority)

Bottom Line: Some complaints are not IG approp

Not IG Appropriate

ELO

Assistance Part 2

- **Non-Army-related issues (A&I Guide, Sect. 3-1)**
- **EO complaints (with exception) (A&I Guide, Sect. 3-2)**
- **Hazardous work conditions (A&I Guide, Sect. 3-3)**
- **Redress available through other channels (A&I Guide, Sect. 3-4) (due-process)**
- **Criminal allegations (with exception) (A&I Guide, Sect. 3-5)**
- **Soldier nonsupport of family (A&I Guide, Sect. 3-9)**
- **Redress available to DoD civilians (A&I Guide, Chapters 5 and 6)**

AR 20-1, para. 4-4 f-

Not Local IG Appropriate Senior Official Allegations

Assistance Part 2

- **Allegations against**
  - **COL(P) and General Officer**
  - **Senior Executive Service (SES) civilian**
- **Report to DAIG Investigations Division within 2 working days**
- **Do NOT conduct *ANY* fact-findi**
- **Do NOT enter in IGARS**
  - **Senior-official cases are entered into a separate IG database**
- **Phone (703) 601-1000**

AR 20-1, para. 8-3i

A&I Guide, Sect.

Not Local IG Appropriate Allegations against Members of SAPs & SAs

Assistance Part 2

- **Allegations against**
  - **Members of special-access programs (SAP)**
  - **Members of sensitive activities (SA)**
- **Report to DAIG Intelligence Oversight Division within 2 w**

AR 20-1, para. 1-4b (5) (c)

A&I Guide, Sect. 3-7

Not Legal IG Appropriate Professional Allegations

Assistance Part 2

- **Army lawyers (military or civilian) refer to DAIG's Legal Advisor (AR 20-1, para. 8-3b (5)-(6))**
- **IGs refer to next higher IG (AR 20-1, para. 8-3h)**
- **Medical, CID Agents, Recruiters, Chaplains, etc. (A&I Guide, Sect. 3-8)**

Processing IGARs Not Appropriate for IGs

ELO

Assistance Part 2

- **Thoroughly analyze the complaint to identify all issues**
- **Determine if the complainant has attempted to use the appropriate appeal process or agency -- if not, advise him / her to do so**
- **Complete DA Form 1559 -- open & close case in IGARS database (unless SO, SA, SAP)**
- **Look for possible systemic issues and l**

AR 20-1, para. 4-4f

Soldier Family Nonsupport Cases

About 10% of all IGARs

Family Nonsupport Regulation

Assistance Part 2

AR 608-99, Family Support, Child Custody, and Paternity

- **Proponent: The Judge Advocate General (TJAG)**
- **Applicability: Soldiers on active duty over 30 days**
- **Commanders enforce the regulation**

Outline

- **Responsibilities: Chapter One**
- **Legal Obligations of Soldiers: Chapter Two**
- **Command Responses to Inquiries: Chapter Three**
- **Assistance from Government Officials Based on Court Orders: Chapter Four**
- **Command Briefings: Chapter Five**

Commander's Role In Nonsupport Cases

Assistance Part 2

ELO

Commander will:

- **Counsel** Soldier as appropriate
- Respond in **writing** to complainant within **14** days

… and much more

AR 608-99, para. 1-4 d-f, and Chapter 3

Assistance Part 2

IG's Role In Nonsupport Cases

ELO

IG will:

- **Ensure** family's **immediate needs** are met
- **Ensure** Soldier's **commander is aware** of complaint and takes appropriate action
- **Monitor** case to completion (**open** case in **IGARS**)

AR 20-1, para. 7-3b

A&I Guide, Sect.

Make Your Job Easier

Assistance Part 2

- **Teach and train on AR 608-99**
  - **Company Commander and First Sergeant Course**
  - **Officer Professional Development / Noncommissioned Officer Development Program**
  - **Newcomer's Orientation**
  - **Web site**
- **Know IG responsibilities and available resources**

Available Resources

Assistance Part 2

- **Family Readiness Groups (FRG)**
- **Army Community Services (ACS)**
- **Army Emergency Relief (AER)**
- **Chaplain**
- **DEERS / ID Card Station**
- **Red Cross**
- **Local Churches, Food Shelters**
- **Recruiting Stations (fax support)**
- **http://www.militaryonesource.com/**
- **http://www.armyonesource.com/**

Civilian IGARs

Assistance Part 2

Civilian Employee Categories

- **Appropriated Fund (APF)**
  - **Governed by Office of Personnel Management (OPM)**
- **Nonappropriated Fund (NAF)**
  - **AR 215-3, NAF Personnel Policies and Procedures**
  - **Civilian Personnel Advisory Center (CPAC)**

AR 20-1, para. 7-3c and d
A&I Guide, Chap. 5

Civilian Employee Categories (continued)

Assistance Part 2

- **Local Nationals (LN)**
  - **Status of Forces Agreement (SOFA)**
- **Contractors**
  - **Statement of work determines avenue of redress**
  - **Check with Contracting Officer Representative (COR)**
  - **Check with the SJA**

AR 20-1, para. 7-3c and d

A&I Guide, Chap. 5

Assistance Part 2

Civilian IGARs which are Usually NOT IG Appropriate

ELO

- **Grievances**: Refer to Civilian Personnel Advisory Center (CPAC)
- **Appeals of Adverse Action**: Refer to CPAC
- **Discrimination or Harassment Complaints**: Refer to Equal Employment Opportunity (EEO)
- **Whistleblower Reprisal**: Referral depends on status (more on day 10)

AR 20-1, para. 4-4k

A&I Guide, Sect.

Assistance Part 2

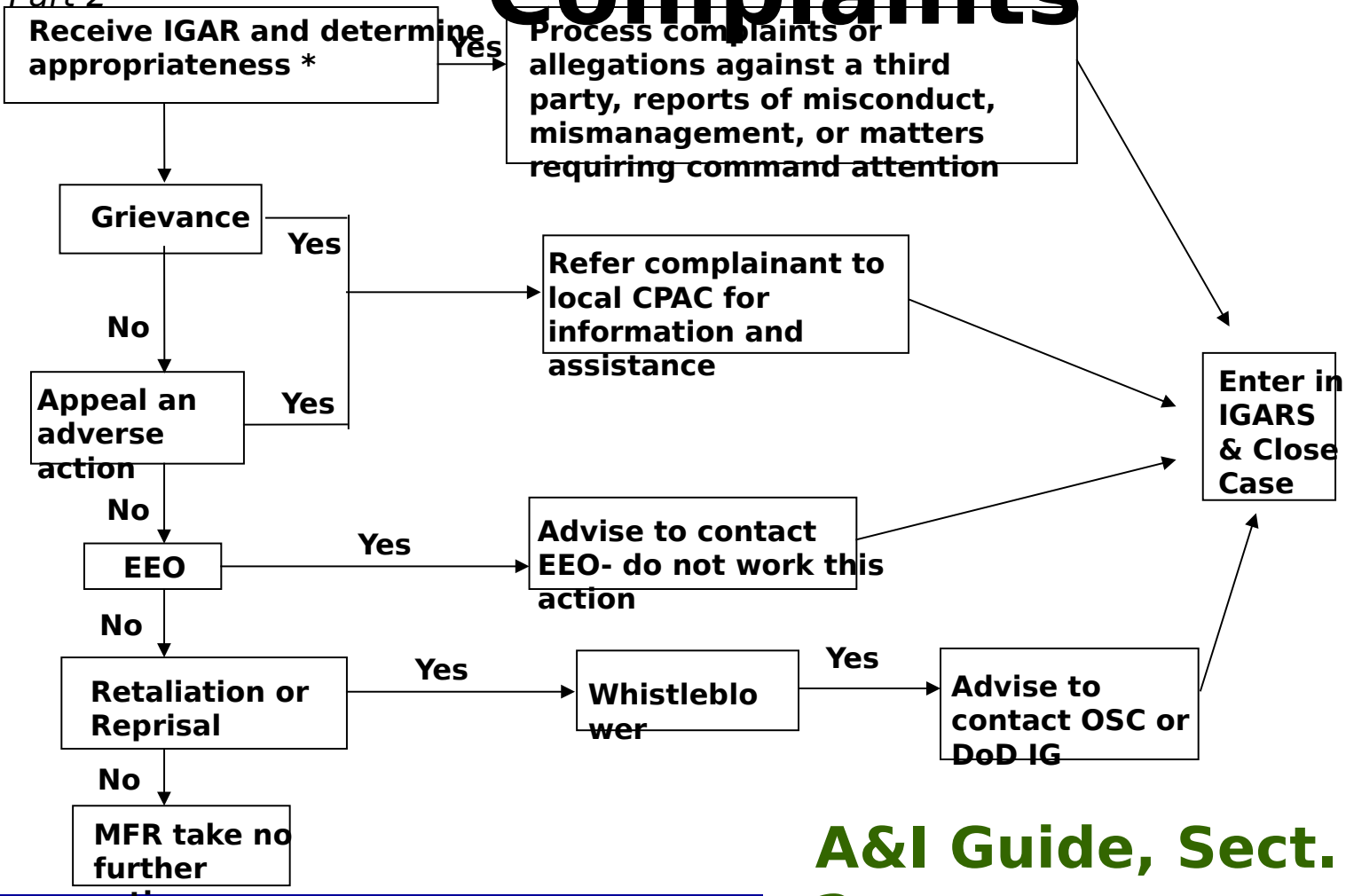
Civilian IGARs which May Be IG Appropriate

- **Matters not directly affecting the employment situation or well-being of the individual:**
  - **Third-party complaints**
  - **Misconduct**
  - **Mismanagement**

AR 20-1, para. 4-4k
A&I Guide, Sect. 6-1

IG Decision Matrix for DoD Civilian Complaints

Assistance Part 2



A&I Guide, Sect. 6-2

Assistance Part 2

Civilian Cases

- **Always analyze entire IGAR to determine if IG action is necessary to correct regulatory violation or systemic problem**
- **Where does the IG go for advice?**
  - **Local Civilian Personnel Advisory Center / Civilian Personnel Operations Center**
  - **Staff Judge Advocate**
  - **Equal Employment Opportunity**

A&I Guide, Sect. 6-1

Summary

- Is a complaint about hazardous work conditions appropriate for the IG?

- What is the commander's role in nonsupport cases?

- What is the IG's role in nonsupport cases?

- When a DA Civilian complains of racial discrimination to the local IG, what should the IG do?

Miscellaneous

Issues

Private Indebtedness

Assistance Part 2

- **Command issue (AR 600-**
- **IG's role:**
  - **Assist in formulating complaint**
  - **Assist in properly routing the complaint**
- **If complainant already initiated action, continue only if commander has not responded**

AR 20-1, para. 7-3b (3

Withdrawn Complaints

ELO

Assistance Part 2

- **Ask:**
  - Why
  - Punishment or reprisal
  - Someone else working the issue
  - Issue is resolved
- **Obtain a written withdrawal request**
- **IG decides whether or not to continue**

AR 20-1, para. 4-2h (4), 7
A&I Guide, Sect. 4-2

Assistance Part 2

Untimely IGARs

ELO

- **Timely Manner ~ Effective Resolution**
- **Event between 1-3 years ago -- local IG decides to look into it**
- **Event between 3-5 years ago -- ACOM / ASCC / DRU IG decides to look into it**
- **Event more than 5 years ago -- TIG decides to look into it**

AR 20-1, para. 4-2
A&I Guide, Sect. 4

Untimely IGARs
(continued)

- **IG does not have to look into the complaint if:**
  - **Presented more than 1 year after awareness of the event -- local IG decides to work it**
  - **Occurred more than 3 years ago**

- **If event occurred more than 3 years ago, IG will:**
  - **Complete a DA Form 1559 and open case in IGARS (unless senior official involvement)**
  - **Analyze for all issues / allegations**
  - **Inform complainant IGAR is untimely**
  - **Do not work case; close case in IGARS**

Except . . .

AR 20-1, para. 4-2
A&I Guide, Sect. 4

Untimely IGARs
(continued)

Assistance Part 2

Exception:

- **If the event occurred between 3-5 years ago and …**
  - **Complainant insists**
  - **Special Army interest**
- **IG will:**
  - **Complete a DA Form 1559 and open case in IGARS (unless senior official involvement)**
  - **Analyze for all issues / allegations**
  - **Army Command (ACOM), Army Service Component Command (ASCC), or Direct Reporting Unit (DRU) IG decides to work the case**
  - **Close case in IGARS**

AR 20-1, para. 4-2
A&I Guide, Sect. 4

Untimely IGARs
(continued)

Exception:

- **If the event occurred more than 5 years ago and …**
  - **Complainant insists**
  - **Special Army interest**
- **IG will:**
  - **Complete a DA Form 1559 and open case in IGARS (unless senior official involvement)**
  - **Analyze for all issues / allegations**
  - **TIG decides to work the case**
  - **Close case in IGARS**

AR 20-1, para. 4-2
A&I Guide, Sect. 4

Habitual Complainants

Assistance Part 2

- **“Pen / Phone Pals”**
- **Analyze -- Impartially**
  - **New, same, same with new information**
- **Decide if:**
  - **Open new case, action required, reopen**
- **Don’t ignore**

AR 20-1, para. 4-2h (2)

A&I Guide, Sect. 2-

Abusers of the IG System

Assistance Part 2

- **Complainant's responsibility to present truthful information**
- **BUT if documented history of:**
  - **Submitting baseless, unfounded complaints**
  - **Pattern of presenting false, malicious, deceptive, or defamatory complaints**
- **THEN the Principal IG -- with Directing Authority's approval -- may request that all future correspondence be in writing only**
- **Inform SAIG-AC**

AR 20-1, para. 4-2h (5)

A&I Guide, Sect. 2-

Assistance Part 2

OoR vs. OoI

Office of Record (OoR)

- **Responsible for the IGAR**
- **Final notifications**
- **Final approv**

Office of Inquiry (OoI)

- **Assists the OoR in gathering data**
- **Does NOT send final notifications**
- **Vertical echelon command IG channels**

Owner

Helper

AR 20-1, paras. 4-3b (5), 4-7d (4)

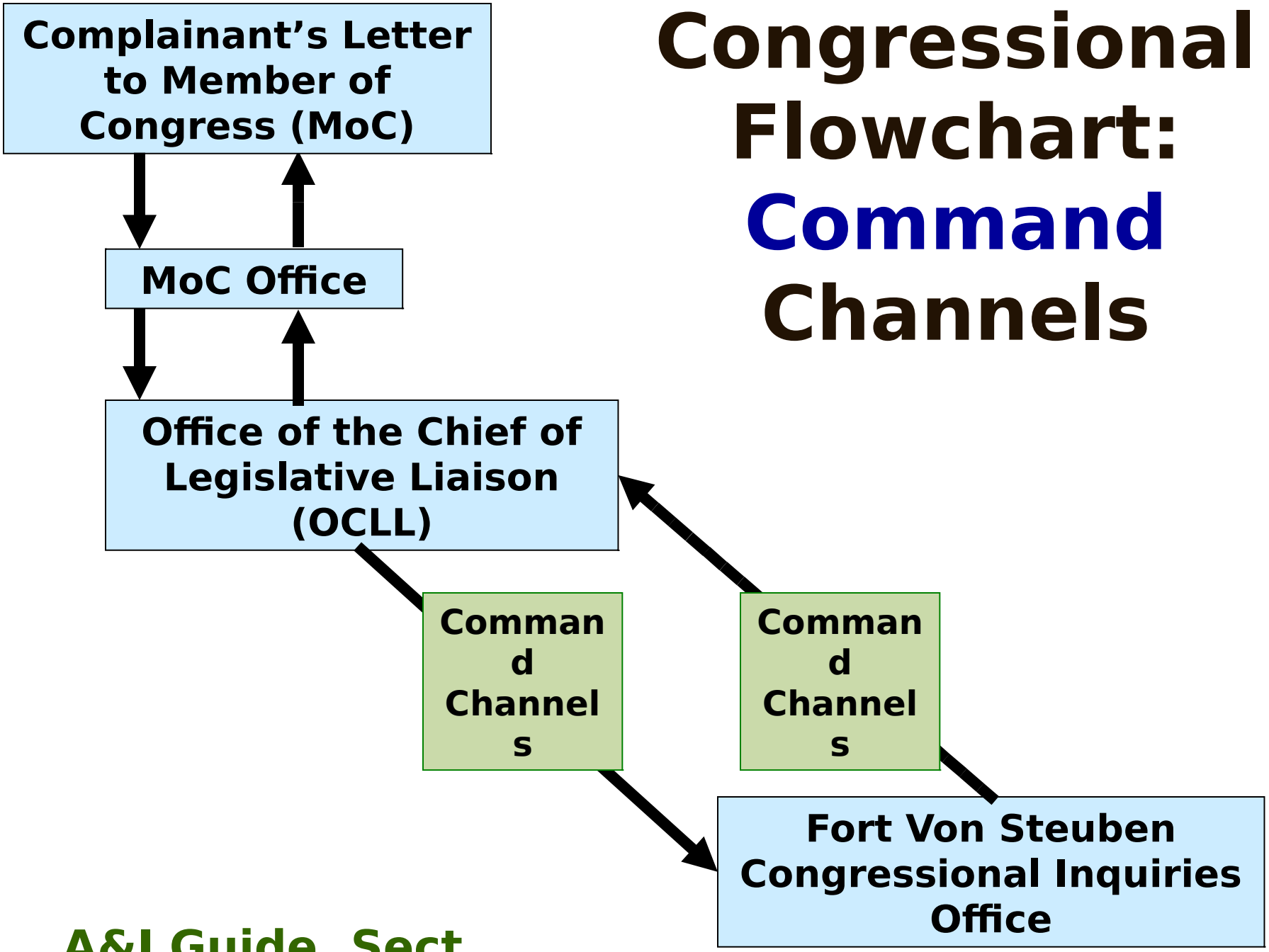
Assistance Part 2

Congressionals

Just Another Way to Write-In

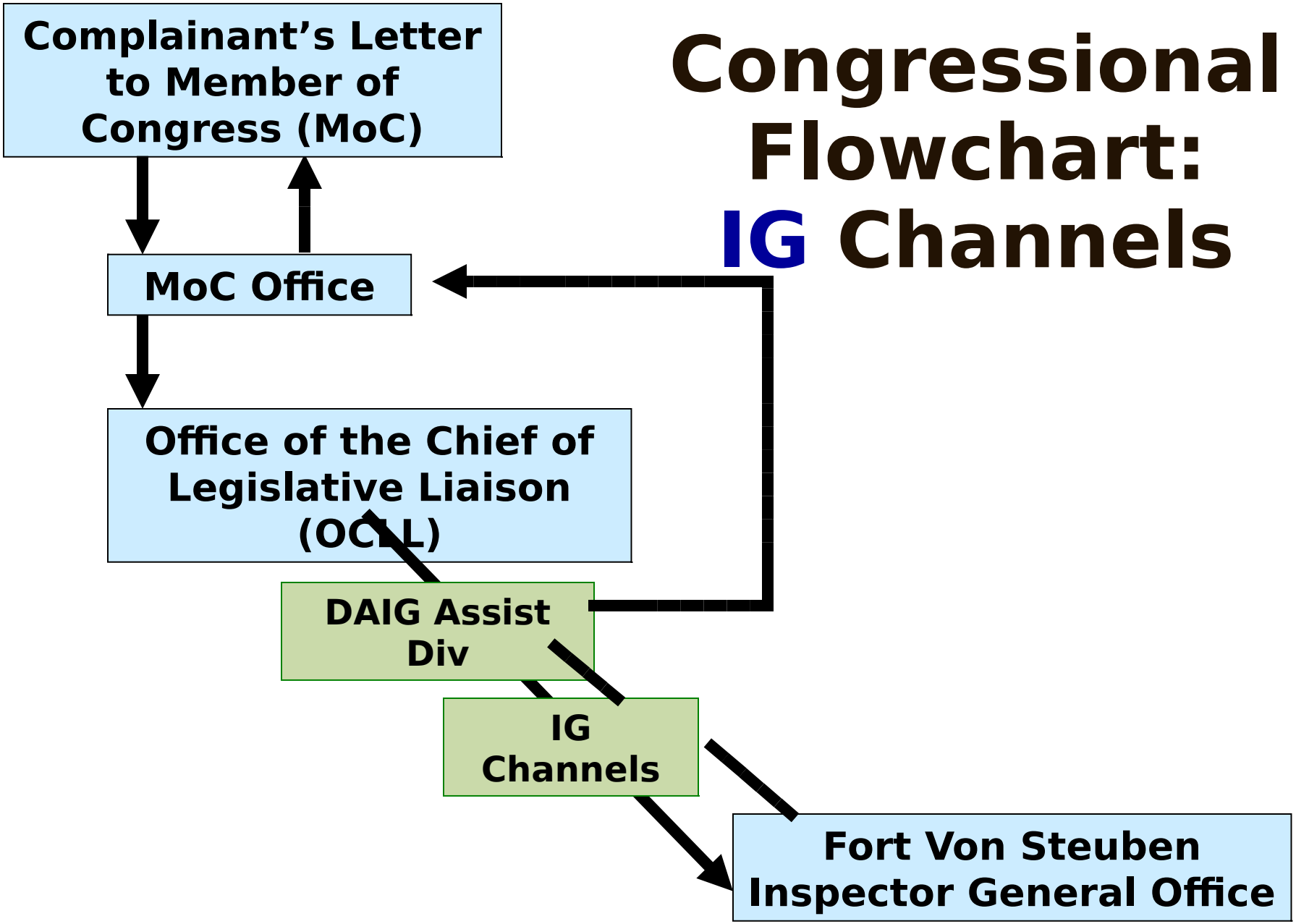
U.S. Army Inspector

Congressional Flowchart: Command Channels


Complainant's Letter to Member of Congress (MoC)
MoC Office
Office of the Chief of Legislative Liaison (OCLL)
Command Channels
Command Channels
Fort Von Steuben Congressional Inquiries Office

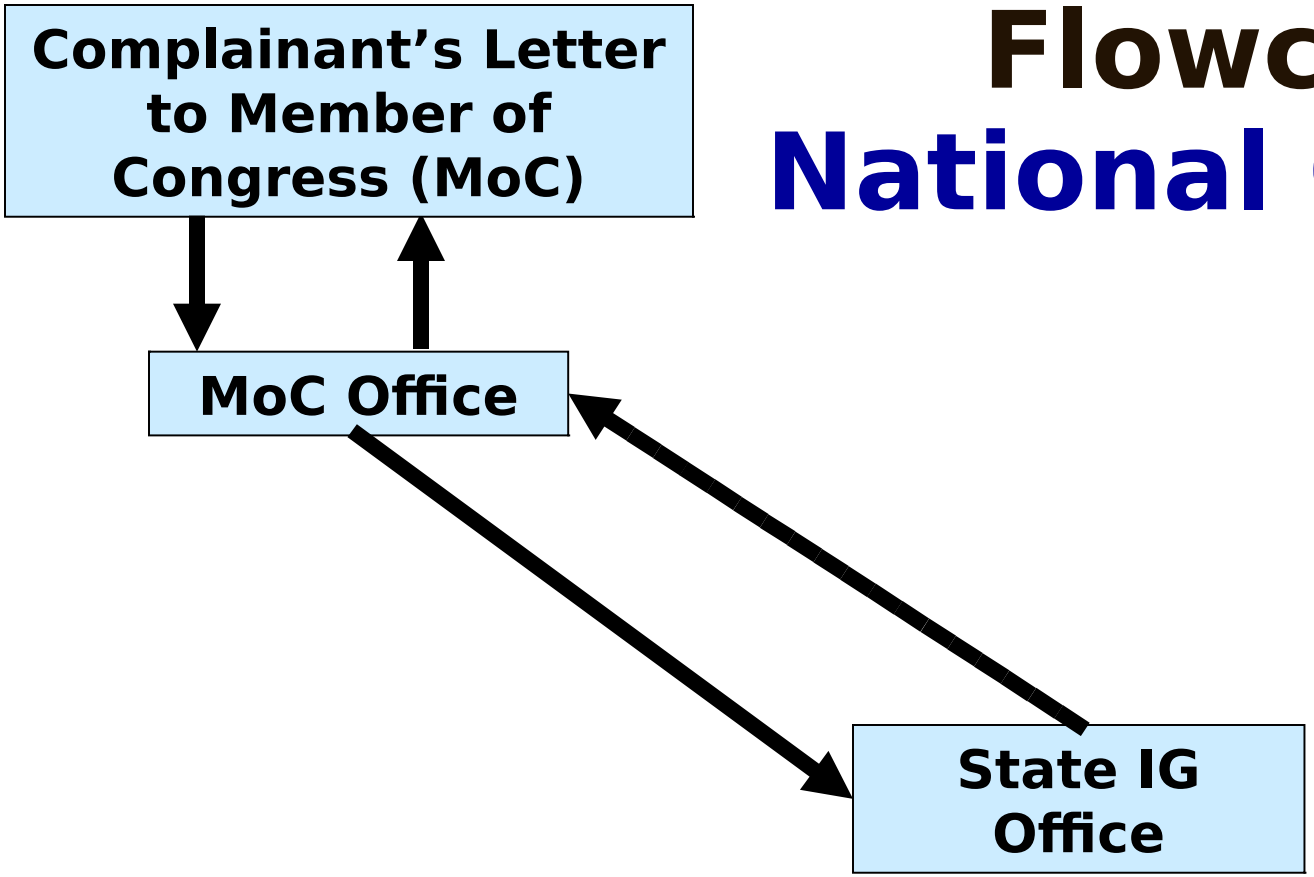
A&I Guide, Sect. 7

Congressional Flowchart: IG Channels


Complainant's Letter to Member of Congress (MoC)
MoC Office
Office of the Chief of Legislative Liaison (OCLL)
DAIG Assist Div
IG Channels
Fort Von Steuben Inspector General Office

A&I Guide, Sect. 7

Congressional Flowchart: National Guard IG



AR 20-1, para. 7-6c and d

A&I Guide, Sect. 7

Assistance Part 2

Congressional Process

- **DAIG Assistance Division tasked a Congressional Inquiry, but the local IG is already working the case for the complainant**
  - **Inform complainant that the response will come through Member of Congress (MoC)**
  - **Send completed case to SAIG-AC for final response to Member of Congress (MoC)**

Assistance Part 2

Congressional Process

- **DAIG Assistance Division tasked a Congressional Inquiry, but the Local Congressional Liaison Office has already worked the issue through command channels**
  - **Contact SAIG-AC and explain**
  - **Review previous response for completeness (all issues and allegations addressed?)**
  - **Forward copy of previous response to SAIG-AC for final response to MoC**

Congressional Process

Assistance Part 2

- **DAIG Assistance Division tasked a Congressional Inquiry, but local IG worked case for complainant and has already closed it**
  - **Contact SAIG-AC**
  - **Send completed case for SAIG-AC final response to MoC**

Assistance Part 2

Congressional Process

- **Local IG receives Congressional Inquiry through a local congressional liaison office**
  - **Contact SAIG-AC**
    - **Command channels more appropriate?**
      - **If so, have local congressional office re-task**
      - **If not, DAIG Assistance Division will have OCLL re-task through IG channels**

AR 20-1, para. 8-10
A&I Guide, Sect. 7

Congressional Process

Assistance Part 2

- **During a complainant's interview (Step 1: Receive the IGAR), the complainant tells the IG that he wrote to his MoC**
  - **Contact the local congressional liaison office**
    - **If congressional liaison office is already working case through command channels, then they continue to work the case**
    - **Inform complainant that a response will come from MoC and no IG reply will be given**

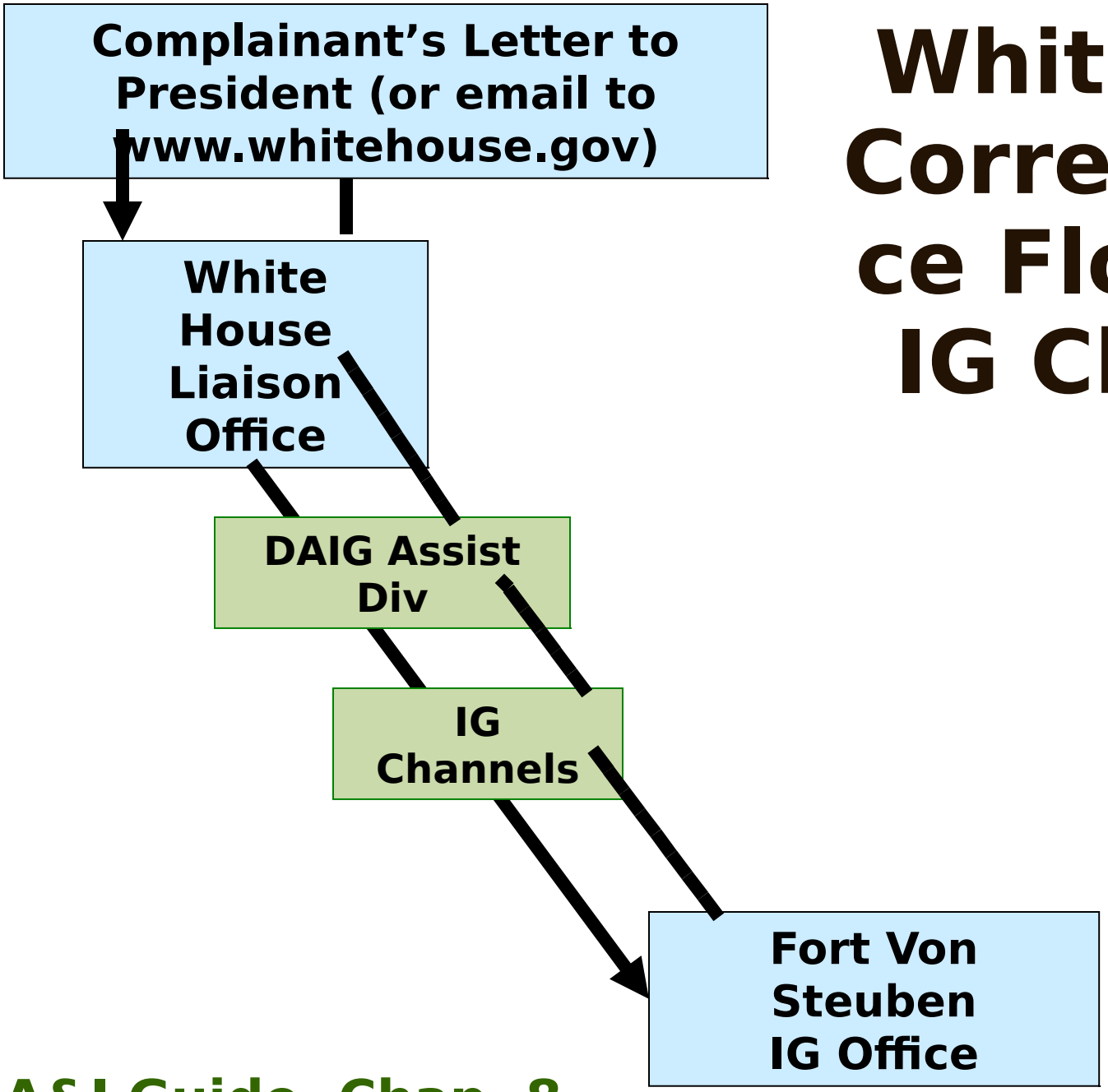
Assistance Part 2

White House
(Presidentials)

Yet Another Way Complainants Write-I

U.S. Army Inspector

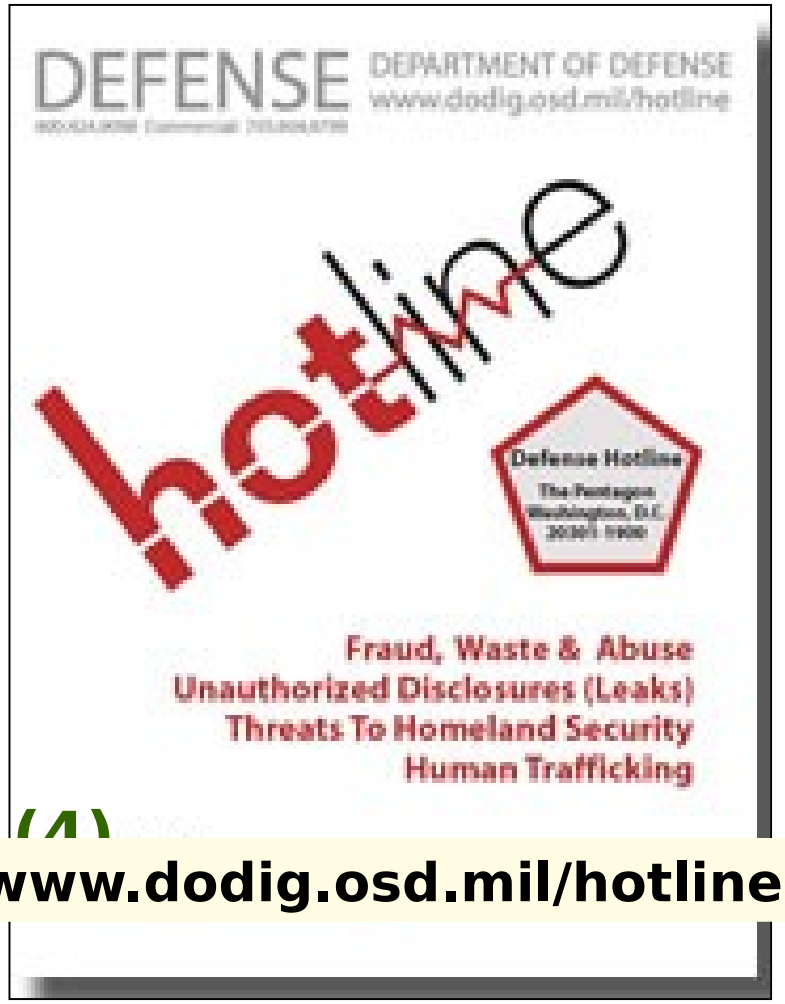
White House Correspondence Flowchart: IG Channels


Complainant's Letter to President (or email to www.whitehouse.gov)
White House Liaison Office
DAIG Assist Div
IG Channels
Fort Von Steuben IG Office

A&I Guide, Chap. 8

Department of Defense Hotline

Assistance Part 2

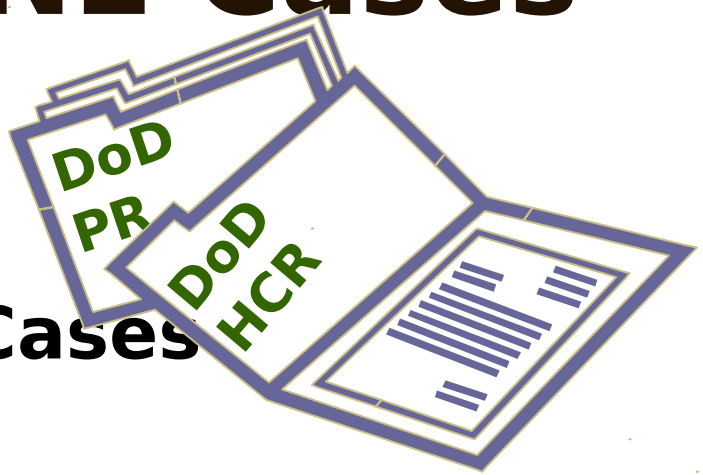


DoDD 7050.1
DoDI 7050.7
AR 20-1, para. 4-2g (4)
para. 8-10b
A&I Guide, Chap. 9

www.dodig.osd.mil/hotline

DoD HOTLINE Cases

Assistance Part 2



- **SAIG-AC**
  - **Action vs. Information Cases**
  - **Criminal to CID**
- **DoD program – different formats MUST be used (A&I Guide, Chap. 9)**
  - **Progress Report**
  - **Hotline Completion Report**
- **Call DAIG Assistance Division – DoD Hotline Branch (703) 601-1060**

IG Records

AR 20-1, Chapter 3

Assistance Part 2

What is an IG Record?

- **Any written or recorded IG work-product**
- **Includes:**
  - **Correspondence**
  - **Documents received from complainants**
  - **IG reports**
  - **Inspector General Network (IGNET) computer files**
  - **IG notes and working papers**

AR 20-1, para. 3-1

Nature of IG Records

ELO

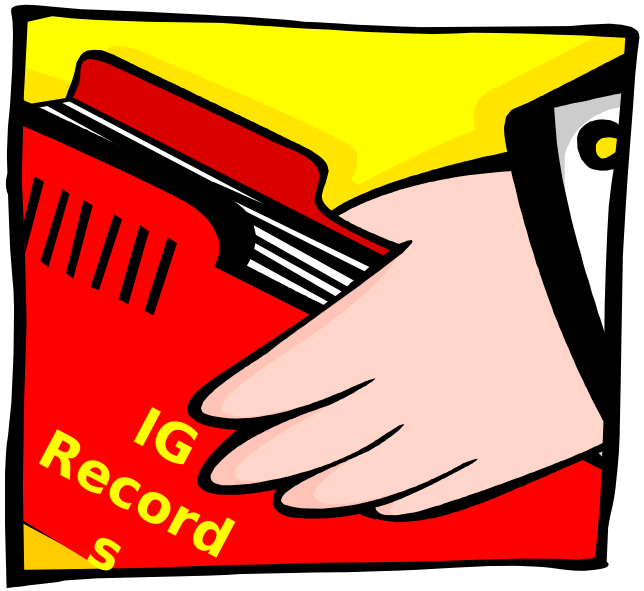
- All Army IG records are property of Secretary of the Army, including
  - USAR IG records
  - ARNG IG records concerning Federal matters
- IGs maintain records on SecArmy's behalf
- The Inspector General (TIG) is designated release authority

AR 20-1, para. 3-1

IG Records Release Authority

Assistance Part 2

- **Only TIG or his designated representative can authorize release outside of IG channels**
- **Your CG can't do it**
- **Your local FOIA offic can't do it**



IG Records - For Official Use Within Dept. of the Army

ELO

Assistance Part 2

Local IG may release **TO** **Stip**

Inspections Report	**Directing Authority**	**Redacted**
ROI / ROII	**Directing Authority**	**No adverse actions**
Certain Records / Information • **Nature of allegations** • **Readily Available Documents** • **Witness list and brief oral synopsis of testimony**	**Follow-on DA Investigator (such as AR 15-6 IO, CID, MPI, FLIPL, etc.)**	**Maintain Impartiality; do not ID complainant**

AR 20-1, para. 3-6b

IG Records and Adverse Action

Assistance Part 2

ELO

- **IG records are <u>not used</u> as a basis for adverse action . . .**

- ***EXCEPT*** **as approved by TIG on a by-exception basis**

AR 20-1, para. 3-3

Assistance Part 2

Request to Use IG Records for Adverse Action

- **IG office with the records submits request to DAIG Records Release Office**
- **Identify precisely which records are requested and why**
- **State why a follow-on investigation would be unduly burdensome, disruptive, or futile**

AR 20-1, para. 3-3

Release of IG Records Outside Dept. of the Army

Assistance Part 2

- **Information can be extracted from IG records to:**
  - **Respond to requests for advice, assistance, or information**
  - **Answer complaints**
  - **Prepare closure letters**

- **Personal info may be used only if authorized under the Privacy Act**

AR 20-1, para. 3-7a

Release of IG Records Outside Dept. of the Army

Assistance Part 2

- **Anyone may request copies of an IG record**
  - **Member of Congress**
  - **Other Government agencies**
  - **Subpoenas and court orders**
  - **Judicial Proceedings (accused and defense counsel)**
  - **Labor organizations**

AR 20-1, para. 3-7

Assistance Part 2

Requests From the Media

- **IGs neither confirm nor deny inquiries or investigations**
- **Refer to local Public Affairs Office (PAO)**
- **If specific records are requested, treat as FOIA**

AR 20-1, para. 3-7d

Freedom of Information Act (FOIA) Request

Assistance Part 2

- **Request must be in writing**
- **IG will:**
  - **Acknowledge receipt in writing (IGAP, Step 2)**
    - **Received request**
    - **Referred to TIG for direct reply to the requester**
  - **Forward to DAIG Records Release Office**
    - **Original request**
    - **Copy of the requested record(s) via e-mail, fax, mail**
    - **Memorandum (local concerns and other info.)**
    - **Within 10 working days**

AR 20-1, para. 3-7a

Summary

- What are the IG's actions when someone withdraws a complaint?
- Explain how to process untimely IGARs.
- What IG records or information may a local IG release?
- Who may release IG records for adverse actions?
- Explain how to process a FOIA request.

Assistance Part 2

Questions?

Not IG appropriate topics
Family Nonsupport
Civilian IGARS
Withdrawn Complaints

Untimely Complaints
Office of Record / Inquir
Congressional, etc.
IG Records